



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 21, 1994

Ms. Merri Schneider-Vogel
Bracewell & Patterson
South Tower Pennzoil Place
711 Louisiana Street, Suite 2900
Houston, Texas 77002-2781

OR94-736

Dear Ms. Schneider-Vogel:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 29610.

The North Harris Montgomery Community College (the "college"), which you represent, received an open records request for records reflecting the extent to which the college is insured "to indemnify its employees and officers for acts and omissions they might make in their official capacity that could result in claims against them for tort damages." You contend that this information is confidential under section 101.104 of the Civil Practice and Remedies Code and thus is protected from public disclosure under section 552.101 of the Government Code.¹

Section 101.104 of the Civil Practice and Remedies Code provides:

(a) Neither the existence nor the amount of insurance held by a governmental unit is admissible in the trial of a suit under this chapter.

(b) Neither the existence nor the amount of the insurance is subject to discovery.

¹Section 552.101 of the Government Code protects "information considered to be confidential by law, either constitutional, statutory, or by judicial decision."

Section 101.104 governs the discovery and admissibility of information pertaining to the college's insurance coverage during a civil lawsuit brought pursuant to the Texas Tort Claims Act. *See* Civ. Prac. & Rem. Code ch. 101. This section is irrelevant to whether information pertaining to the college's insurance coverage is available to the general public under the Open Records Act. *See* Open Records Decision No. 551 (1990) at 3; *see also* Open Records Decision No. 575 (1990) at 2 (stating that former V.T.C.S. article 6252-17a, section 3(a)(1) does not encompass discovery privileges).

The requested information is not confidential under section 101.104 of the Civil Practice and Remedies Code. Because you have raised none of the act's other exceptions to required public disclosure, the college must release the requested information.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Loretta R. DeHay
Assistant Attorney General
Open Government Section

LRD/RWP/rho

Ref.: ID# 29610

cc: Mr. R. James Koester
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